

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

ERIC NAVICKAS, et al.,
Plaintiffs,

No. 1:10-cv-3004-CL

v.

SCOTT CONROY, et al.,
Defendants.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation (R&R), and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Because Plaintiffs object to the R&R, I have reviewed this matter de novo. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

DISCUSSION

This court granted Defendants' motion for summary judgment on Plaintiffs' challenges to the Ashland Forest Resiliency project

(the Project). 2013 WL 686825 (D. Or. 2013). The Ninth Circuit affirmed on seven of Plaintiffs' eight claims, but reversed and remanded on Plaintiffs' claim that the Project exceeded soil exposure standards for lands designated MS-22 and MS-26. 575 F. App'x 758 (9th Cir. 2014).

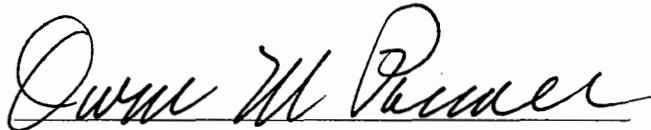
On remand, the parties disagree on the form of judgment. Plaintiffs move for a judgment that vacates the agency's decision as to both MS-22 and MS-26 lands. Defendants move for remand without vacatur. The R&R recommends vacatur as to MS-26 land but not as to MS-22 land. After reviewing de novo, I adopt the R&R. The parties are to submit proposed forms of judgment in accordance with the R&R.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#121) is adopted. Plaintiffs' motion for partial vacatur (#102), and Defendants' motion for remand without vacatur (#107), are granted in part and denied in part. The parties are directed to submit proposed forms of judgment within 14 days of this order.

IT IS SO ORDERED.

DATED this 19 day of March, 2015.

A handwritten signature in black ink, appearing to read "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE